



## LICENSING SUB-COMMITTEE

**Committee Date:** Thursday 5 March 2020

### APPLICATION DETAILS

<b>Type:</b>	Variation – Premises Licence
<b>Name of Applicant(s):</b>	Mr Paul Summers
<b>Address of Applicant(s):</b>	Railway Tavern, 25 Albion Street, Saxmundham IP17 1BN
<b>Type of applicant</b>	Individual
<b>Name of Premises:</b>	Railway Tavern
<b>Address of premises:</b>	25 Albion Street, Saxmundham IP17 1BN
<b>Description of Premises:</b>	Public house

### EXECUTIVE SUMMARY:

- This is an application to vary an existing premises licence in order to extend the opening hours and the hours for the sale of alcohol by one hour on a Friday and Saturday and to provide music until 23:30 on a Friday and Saturday.

Is the report Open or Exempt?	Open
<b>Wards Affected:</b>	Saxmundham
<b>Cabinet Member:</b>	Councillor Mary Rudd  Cabinet Member with responsibility for Community Health

**Supporting Officer:**

Teresa Bailey

Senior Licensing Officer

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## **1. EXISTING LICENCE**

1.1 The existing premises licence is attached as **Appendix A**.

## **2. PROPOSED VARIATION**

2.1 The following variations to the existing licence have been applied for:

- a. To extend the opening hours for one hour on a Friday and Saturday night to finish at 00:30.
- b. To extend the hours for the sale of alcohol on a Friday and Saturday night to finish at 00:00.
- c. To have Live and Recorded Music indoors on a Friday and Saturday night until 23:30. Live and Recorded Music is already permitted until 23:00 in a premises licensed for on-sales of alcohol without the need for a specific licence.

## **3. OPERATING SCHEDULE**

3.1 The following steps have been proposed in order to promote the 4 licensing objectives; in addition to the existing conditions.

### General

- a) It is intended to limit regulated entertainment to a maximum of one event per week.
- b) Staff will be trained to assist in the orderly dispersal of customers, which will now be over a longer period of time.

### The prevention of crime and disorder

No additional measures.

### Public Safety

- a) Staff will be trained to conduct regular collections of glasses during the additional hour.

### The prevention of public nuisance

- a) All doors and windows will be kept closed during performances of regulated entertainment events except for safe entry/exit to and from the premises.
- b) After 23:00, only one door will be used for exit into Albion Street providing easier management of orderly customer dispersal.

### The protection of children from harm

- a) Where regulated entertainment is deemed to contain content unsuitable for under 18's (for example stand up comedian) the event will not start until 21:00

## **4. REASON FOR HEARING**

4.1 The Council's Head of Legal and Democratic Services has examined the representations made about this application and has determined that the relevant representations have been made within the statutory 28 day period by the following:

**Responsible Authorities:** Environmental Protection

**Other persons objecting to the application:**

Three representations have been received from nearby residents.

A petition has also been received signed by 15 residents of Albion Street, Saxmundham. The signatories include 2 persons who have made a representation as individuals.

One person making a representation has provided two mobile phone video clips and has requested them to be shown to the Sub-committee at the hearing. This person has also reported to the police an incident which involved damage to his vehicle on 16 February 2020. A Suffolk Police crime reference number has been issued. Photographs of the damaged vehicle will be available to the Sub-committee.

4.2 The applicant has been provided with a copy of the representations and they are attached, including the petition, as **Appendix B** for members of the Sub-Committee.

4.3 Summary of grounds for representations:

Despite concerted efforts by the current designated premises supervisor to introduce live/late music events, issues such as building structure, proximity to neighbours and historical design continue to be problematic. There are current noise complaints under investigation.

Public nuisance is already experienced by residents by way of noise from customers leaving the premises who shout, swear and scream. Fear that this premises will become a magnet for customers leaving other premises that have closed earlier. Live music at previous events has been of an unacceptable volume.

## **5. POINTS FOR CONSIDERATION**

5.1 In exercising its licensing functions, the Licensing Authority has stated in its licensing policy that it will primarily focus on the direct impact of the licensable activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the vicinity of the premises.

5.2 The attention of the Sub-Committee is drawn to the following:

a) The Licensing Act 2003 Section 4 requires the Sub-Committee to have regard to:

- Guidance Issued under Section 182 of the Licensing Act 2003.
- The Council's Statement of Licensing Policy

If the Sub-Committee has reason to depart from the above it is asked to give full reasons for so doing.

b) Human Rights Act 1998

The Human Rights Act 1998 came into force on the 2 October 2000. The Sub-Committee is urged to have careful regard of its provisions.

It is unlawful for a public authority (this expression includes local authorities) to act in a way which is incompatible with a human right.

As far as the applicant's right to a fair hearing is concerned (Article 6), the applicant has a right to be heard by the Licensing and Health Sub-Committee. If this application is refused or granted subject to modification, the applicant has a right of appeal to the Magistrates' Court.

In assessing the impact of human rights the Sub-Committee must seek to strike a balance between the right of the proprietors in the business to conduct it as they wish and local residents who may find its activities intrusive. In this context a business is a "possession" and the human right is expressed to be for the "peaceful enjoyment" of it. A rider to this human right empowers the Council to control the enjoyment of that business by its proprietors in the general interest. At the same time, local residents are entitled to the peaceful enjoyment of their homes.

- 5.3 The relevant notices about this hearing have been served on the applicant and interested parties and they have until 27 February 2020 to confirm that they intend to attend (or not) as the case may be and give notice that they wish to call witnesses.

## **6. CONCLUSION**

- 6.1 The applicant has been advised of the representations that have been made and there may be mediation between the applicant and the interested parties before the hearing in order to achieve agreement. In the event that this is not possible, the Sub-Committee will be asked to determine this application by:

- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Granting the application subject to such conditions as are consistent with the operating schedule accompanying the application, modified to such extent as the Sub-Committee considers appropriate for the promotion of the licensing objectives (for example, by excluding a licensable activity or restricting the hours when a licensable activity can take place), and any condition which must be included in the licence in accordance with the Licensing Act 2003.
- Rejecting the application.

- 6.2 If the decision reached by the Sub-Committee results in differences between the conditions attached to the licence and the planning permission currently in force for these premises, the applicant should be advised that the planning permission must be adhered to unless and until it is amended to reflect the conditions attached to the licence.

- 6.3 Depending on the decision of the Sub-Committee, the applicant and/or responsible

authority and interested parties that have made representations have rights of appeal to the Magistrates Court.

6.4 When announcing its decision, the Sub-Committee is asked to state its reasons.

<b>APPENDICES</b>	
<b>Appendix A</b>	Existing Premises licence – PREM2163.
<b>Appendix B</b>	Representations

<b>BACKGROUND PAPERS</b>	
Application Form	Available from <a href="mailto:licensing@eastsoffolk.gov.uk">licensing@eastsoffolk.gov.uk</a>